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AMERICAN EXPRESS TRAVEL RELATED  
SERVICES, INC., AMERICAN EXPRESS  
CENTURION BANK and AMERICAN EXPRESS  
BANK, FSB

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

DAVID J. LEE and DANIEL R.  
LLOYD, individually and on behalf of  
all others similarly situated,

Plaintiffs,

vs.

AMERICAN EXPRESS TRAVEL  
RELATED SERVICES, INC., a New  
York corporation, AMERICAN  
EXPRESS CENTURION BANK, a  
Utah corporation, AMERICAN  
EXPRESS BANK, FSB, a Utah  
corporation, and DOES 1 through 100,  
inclusive,

Defendants.

**Case No. CV-07-4765 (CRB)**

THE HON. CHARLES R. BREYER

**[PROPOSED] ORDER GRANTING  
DEFENDANTS' MOTION TO  
DISMISS**

DATE: November 30, 2007

TIME: 10:00 a.m.

PLACE: Courtroom 8  
19th Floor  
450 Golden Gate Ave.  
San Francisco, CA 94102

1 The Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil  
2 Procedure (the "Motion") filed by defendants ("Defendants") in the above-captioned  
3 action came on for hearing on November 30, 2007, at 10:00 a.m. in Courtroom 8 of  
4 the above-entitled Court, the Honorable Charles R. Breyer presiding. Hale &  
5 Associates appeared on behalf of plaintiffs David J. Lee and Daniel R. Lloyd  
6 ("Plaintiffs") and Stephen J. Newman of Stroock & Stroock & Lavan LLP appeared  
7 on behalf of Defendants.

8 After consideration of the evidence, pleadings, briefs and oral argument  
9 presented, as well as all other matters presented to the Court, and good cause having  
10 been shown:

11 **IT IS HEREBY ORDERED** that:

12 The Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil  
13 Procedure is **GRANTED** in its entirety and the Complaint is **DISMISSED** in its  
14 entirety and without leave to amend.

15 **IT IS SO ORDERED.**

16 Dated:

17 THE HONORABLE CHARLES R. BREYER  
18 UNITED STATES DISTRICT JUDGE  
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